



IFw

Atty. Dkt. No. 045952-0120

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph PANDOLFINO

Title: REDUCED-EXPOSURE TOBACCO PRODUCTS

Appl. No.: 10/568,290

International Filing Date: 8/18/2004

371(c) Date: 02/17/2006

Examiner: Unassigned

Art Unit: Unassigned

Confirmation Number: 3390

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicant respectfully requests that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Although Applicant believes that no fee is required for this Request, the Commissioner is hereby authorized to charge any additional fees which may be required for this Request to Deposit Account No. 19-0741.

Respectfully submitted,

Date 10 October 2006 By S.A. Bent

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5404
Facsimile: (202) 672-5399

Stephen A. Bent
Attorney for Applicant
Registration No. 29,768

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

Date Submitted: October 11, 2006

(use as many sheets as necessary)

OCT 11 2006
RECEIVED & TRADEMARKED
U.S. PATENT & TRADEMARK OFFICE

Sheet

1

of

4

		Complete if Known	
		Application Number	10/568,290
		Filing Date	8/18/2004
		First Named Inventor	Joseph PANDOLFINO
		Group Art Unit	Unassigned
		Examiner Name	Unassigned
		Attorney Docket Number	045952-0120

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if Known)			
A1	5 803 081			REGEANT COURT TECHNOLOGIES	9/8/1998	
A2	5 845 647			REGEANT COURT TECHNOLOGIES	12/8/1998	
A3	6 135 121			REGEANT COURT TECHNOLOGIES	10/24/2000	
A4	6 202 649	B1		REGEANT COURT TECHNOLOGIES	3/20/2001	
A5	6 311 695	B1		REGEANT COURT TECHNOLOGIES	11/6/2001	
A6	6 338 348	B1		REGEANT COURT TECHNOLOGIES	1/15/2002	
A7	6 350 479	B1		REGEANT COURT TECHNOLOGIES	2/26/2002	
A8	6 425 401	B1		REGEANT COURT TECHNOLOGIES	7/30/2002	
A9	Re 38123 E			REGEANT COURT TECHNOLOGIES LLC	5/27/2003	
A10	6 569 470	B2		REGEANT COURT TECHNOLOGIES LLC	5/27/2003	
A11	6 100 448			NORTH CAROLINA STATE UNIVERSITY	8/8/2000	
A12	5 773 695			NORTH CAROLINA STATE UNIVERSITY	7/30/1998	
A13	5 773 689			NORTH CAROLINA STATE UNIVERSITY	6/30/1998	
A14	6 423 520	B1		NORTH CAROLINA STATE UNIVERSITY	7/23/2002	
A15	6 586 661	B1		NORTH CAROLINA STATE UNIVERSITY	7/1/2003	
A16	5 260 205			PHILIP MORRIS INCORPORATED	11/9/1993	
A17	5 369 023			PHILIP MORRIS INCORPORATED	11/29/1994	
A18	5 668 295			PHILIP MORRIS INCORPORATED	9/16/1997	
A19	4 830 028			R.J. REYNOLDS TOBACCO COMPANY	5/16/1989	
A20	4 836 224			R.J. REYNOLDS TOBACCO COMPANY	6/6/1989	
A21	5 031 646			R.J. REYNOLDS TOBACCO COMPANY	7/16/1991	
A22	4 326 358			AGRIGENETICS RESEARCH ASSOCIATES	4/27/1982	
A23	4 381 624			AGRIGENETICS RESEARCH ASSOCIATES	5/3/1983	
A24	6 534 527	B2		PHYTOS INC.	3/18/2003	
A25	3 258 015			Charles Drummond ELLIS et al.	6/28/1966	
A26	3 356 094			Charles Drummond ELLIS et al.	12/5/1967	
A27	4 987 071			UNIVERSITY PATENTS INC.	1/22/1991	
A28	5 589 367			BIOSOURCE TECHNOLOGIES INC.	12/31/1996	
A29	5 583 032			THE CLEVELAND CLINIC FOUNDATION AND NATIONAL INSTITUTE OF HEALTH	12/10/1996	
A30	5 580 967			THE SCRIPPS RESEARCH INSTITUTE	12/3/1996	
A31	5 591 601			OHIO UNIVERSITY EDISON ANIMAL BIOTECHNOLOGY INSTITUTE	1/7/1997	
A32	5 622 854			RIBOZYME PHARMACEUTICALS INC.	4/22/1997	
A33	5 272 065			RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK	12/21/1993	
A34	3 991 772			SMITHHERN INDUSTRIES INC.	11/16/1976	
A35	4 340 073			PHILIP MORRIS, INCORPORATED	7/20/1982	
A36	4 336 814			PHILIP MORRIS, INCORPORATED	7/29/1982	
A37	4 531 529			R.J. REYNOLDS TOBACCO COMPANY	7/30/1985	
A38	3 499 454			PHILIP MORRIS, INCORPORATED	3/10/1970	
A39	4 182 349			KIMBERLY-CLARK CORPORATION	1/8/1980	
A40	4 962 774			R.J. REYNOLDS TOBACCO COMPANY	10/16/1990	

Examiner Signature

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of the form with next communication to applicant.

¹ Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST-3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST-16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

WASH_1697215.1

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /MF/

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/P10		OPIE JAPAN OCT 11 2006 JAPAN TRADEMARK OFFICE		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/568,290
Date Submitted: October 11, 2006 <i>(use as many sheets as necessary)</i>				Filing Date	8/18/2004
Sheet 2 of 4				First Named Inventor	Joseph PANDOLFINO
				Group Art Unit	Unassigned
				Examiner Name	Unassigned
				Attorney Docket Number	045952-0120

U.S. PATENT DOCUMENTS

U.S. Patent Document					
A41	6 761 175	B2	JAPAN TOBACCO COMPANY et al.	7/13/2004	
A42	4 289 147		LEAF PROTEINS INC.	9/15/1981	
A43	4 347 324		LEAF PROTEINS INC.	8/31/1982	
A44	2002/0197688	A1	PANOOLFINO	12/26/2002	
A45	2002/0174874	A1	WILLIAMS	11/28/2002	
A46	2003/0018997	A1	CONKLING et al.	1/23/2003	
A47	2004/0144397	A1	CONKLING	7/29/2004	
A48	6 037 525		NORTH CAROLINA STATE UNIVERSITY	3/14/2000	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Office ² Number ⁴ Kind Code ⁵ (if known)	Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	TB
	A49	WO 98/56923	NORTH CAROLINA STATE UNIVERSITY	12/17/1998		
	A50	WO 00/67558	Michael TIMKO	11/16/2000		
	A51	WO 03/013226	A2 CIBUS GENETICS	2/20/2003		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	TB
	A52	Action on Smoking and Health -- March 2006 Factsheet No. 18, The UK tobacco industry.	
	A53	"Clearing the Smoke -- Assessing the Science Base for Tobacco Harm Reduction", (IOM Report), Institute of Medicine, Washington DC: National Academy Press, 2001.	
	A54	Oidrich HOFFMANN et al., "The Changing Cigarette: Chemical Studies and Bioassays", Chapter 5, Smoking and Tobacco Control Monograph No. 13, NIH Pub. No. 02-5074, October 2001, pp. 159-192.	
	A55	Gio Batta GORI, "Virtually Sale Cigarettes Reviving an Opportunity Once Tragically Rejected", Health Policy Center, Bethesda, MD., 2000.	
	A56	J.C. LEFFINGWELL, Chapter 8, Leaf Chemistry, Tobacco: Production, Chemistry and Technology, pp. 275-276, 1999.	
	A57	Lynn T. KOZLOWSKI et al., "Cigarette Design", Chapter 2, 11/19/2001, pp. 13-38.	
	A58	C.W. BACON et al., "Chemical Changes in Tobacco during Flue-Curing", INDUSTRIAL AND ENGINEERING CHEMISTRY, February 1952, pp. 292-296.	
	A59	Subparagraph (A), FEDERAL CIGARETTE LABELING AND ADVERTISING ACT, 89 th Congress 1 st Session, Report No. 449, pp. 1-21.	
	A60	Neil D. WEINSTEIN, "Public Understanding of Risk and Reasons for Smoking Low-Yield Product", Chapter 6, 11/19/01, pp. 193-198.	

Examiner Signature	Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unnumbered citation designation number. ²See attached kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Patent Holder Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for Form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT		<i>Complete if Known</i>		
		Application Number	10/568,290	
		Filing Date	8/18/2004	
Date Submitted: October 11, 2006 <i>(use as many sheets as necessary)</i>		First Named Inventor	Joseph PANDOLFINO	
		Group Art Unit	Unassigned	
		Examiner Name	Unassigned	
Sheet	3	of 4	Attorney Docket Number	045952-0120

- NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	A61	Gio B. GORI, "Consumer Perception of Cigarette Yields: Is the Message Relevant?", REGULATORY TOXICOLOGY AND PHARMACOLOGY, 12, pp. 64-68. (1990).	
	A62	J.L. WHITE et al., "Effect of pyrolysis temperature on the mutagenicity of tobacco smoke condensate", Food and Chemical Toxicology 39, (2001), PP. 499-505.	
	A63	Neil L. BENOWITZ, "Compensatory Smoking of Low Yield Cigarettes", Smoking and Tobacco Control Monograph No. 13, Chapter 3, 11/19/01, pp. 39-63.	
	A64	E.A. WERNSMAN et al., "TOBACCO", Principles of Cultivar Development, Vol. 2, Chapter 17, Crop Species Ed. W.R. Fehr, Macmillan, New York 1987, pp. 669-699.	
	A65	Gio Battia GORI, "Less-Hazardous Cigarettes, the Case for Hastening Their Regulation and Promotion", TOBACCO REPORTER, June 2004, pp. 30-34.	
	A66	Michael A.H. RUSSELL, "The Case for Medium-Nicotine Low-Tar, Low-Carbon Monoxide Cigarettes", Banbury Report A Safe Cigarette, 1980, pp. 297-310.	
	A67	"Shameful science: four decades of the German tobacco industry's hidden research on smoking and health", Tobacco Control 2000: 9, pp. 242-247.	
	A68	Yupinn CHINTAPAKORN et al., "Antisense-mediated down-regulation of putrescine N-methyltransferase activity in transgenic Nicotiana tabacum L. can lead to elevated levels of anatabine at the expense of nicotine", Plant Molecular Biology 53: 87-105, 2003.	
	A69	D.M. PEELE et al., "Formation of tobacco specific nitrosamines in flu-cured tobacco", CORESTA 1999, AGRO-PHYTO Proceedings Suzhou, China, 1999.	
	A70	Gerald P. MORIE, "FRACTION OF PROTONATED AND UNPROTONATED NICOTINE IN TOBACCO SMOKE AT VARIOUS pH VALUES", Tobacco Science, 167, 1972.	
	A71	B.L. MIKI et al., "Procedures for Introducing Foreign DNA into Plants", Methods in Plant Biology & Biotechnology, 1993, pp. 67-88.	
	A72	"Status update of sugar/nicotine balance technology assessment", 1992, RJ Reynolds documents Bates 512842551/2.	
	A73	"Low Delivery Cigarettes and Increased Nicotine/Tar Ratios, A Replication (R2-3537)", PHILLIP MORRIS U.S. RESEARCH CENTER, 1975, Bates 2056140416.	
	A74	Siqing SONG et al., "Supercritical Fluid Extraction and Gas Chromatography/Mass Spectrometry for the Analysis of Tobacco-Specific Nitrosamines in Cigarettes", Anal. Chem., 1999, Vol. 71, No. 7, pp. 1303-1308.	
	A75	Molecular Cloning, A Laboratory Manual Second Edition, Cold Spring Harbor Laboratory Press, 1989.	
	A76	Paul D. LEGG et al., "INHERITANCE OF PER CENT TOTAL ALKALOIDS IN NICOTIANA TABACUM L. II. GENETIC EFFECTS OF TWO LOCI IN BURLEY 21 X LA BURLEY 21 POPULATIONS", Can. J. Genet. Cytol. 13: 287-291, 1971.	

Examiner Signature	Date Considered	
-----------------------	--------------------	--

***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Commissioner for Patents, P.O. Box 1450,

